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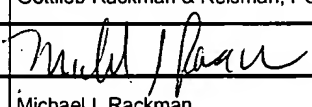
PTO/SB/21 (09-04)

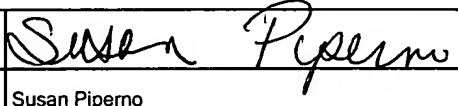
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|  |                        |                   |
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|  <b>TRANSMITTAL FORM</b><br>(All correspondence after initial filing) | Application Number     | 10/560,963 ✓      |
|  | Filing Date            | December 14, 2005 |
|  | First Named Inventor   | Hebblewhite et al |
|  | Art Unit               | to be assigned    |
|  | Examiner Name          | to be assigned    |
|  | Attorney Docket Number | 3869/035 US       |
| Total Number of Pages in This Submission   |                        |                   |

| ENCLOSURES (Check all that apply)   |   |   |
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| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks   |   |
| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>                         |   |   |
| Firm Name   | Gottlieb Rackman & Reisman, PC  |   |
| Signature   |  |   |
| Printed name  | Michael I. Rackman  |   |
| Date  | January 11, 2006  | Reg. No. 20,639   |

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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |                       |
| Signature   |  |                       |
| Typed or printed name   | Susan Piperno   | Date January 11, 2006 |

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3869/035 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : HEBBLEWHITE et al  
Serial No. : 10/560,963  
Filing Date : December 14, 2005  
Group Art No. : To be assigned  
Examiner : To be assigned  
Title : METHOD AND APPARATUS FOR MONITORING  
BARIATRIC PARAMETERS AND SLEEP DISORDERED  
BREATHING

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir;

Enclosed is a copy of Information Disclosure Citation Form together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed copy of Information Disclosure Citation Form be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant.

Pursuant to 37 C.F.R. § 1.97 (g) and (h), the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN

Michael I. Rackman, Reg. No. 20,639  
Attorney for Applicant  
270 Madison Avenue, 8<sup>th</sup> Floor  
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(212) 684-3900

Date: January 11, 2006



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| Sheet | 1 | of | 2 |
|-------|---|----|---|

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/560,963        |
| Filing Date            | December 14, 2005 |
| First Named Inventor   | HEBBLEWHITE et al |
| Art Unit               | To be assigned    |
| Examiner Name          | To be assigned    |
| Attorney Docket Number | 3869/035 US       |

[illegible][illegible]

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/088 (07-05)

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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| Examiner Name          | To be assigned    |
| Attorney Docket Number | 3869/035 US       |

Sheet 2 of 2

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|-----------------------|--------------------------|---|----------------|
|                       |                          | BERRY et al. "The Use of Auto-Titrating Continuous Positive Airway Pressure For Treatment of Adult Obstructive Sleep Apnea", SLEEP, Vol. 25, No. 2, 2002, pp. 148- 173  |                |
|                       |                          | OLIVER et al. "Predicting Effective Continuous Positive Airway Presssure", CHEST, Vol. 117, No. 4, April 2000, pp. 1061 - 1064  |                |
|                       |                          | BAGNATO et al "Comparison of AutoSet And Polysomnography For The Detection Of Apnea-Hypopnea Events",Brazilian Journal Of Biological & Medical Research, Vol 33, No 5, 2/2000, <b>pp. 515 - 519</b>   |                |
|                       |                          | HUI et al. "Detection Of Continuous Positive Airway Pressure Compliance In A Group Of Chinese Patients With Obstructive Sleep Apnea", CHEST, Vol 120, No 1, 07/2001, pp 170-176   |                |
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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